

HERRICK, FEINSTEIN LLP
Paul H. Schafhauser (PS - 1337)
John M. August (JA - 6451)
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(973) 274-2000
Attorneys for Defendant JPMorgan Chase Bank, N.A.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MERRILL LYNCH BUSINESS FINANCIAL
SERVICES, INC.,

Plaintiff,

v.

ARTHUR KUPPERMAN, E. ROSS BROWNE,
PAULETTE KRELMAN, PGB
INTERNATIONAL, LLC, and JPMORGAN
CHASE BANK, N.A.,

Defendants,

and

JOHN DOES (1-10) and ABC CORPORATIONS
(1-10),

Additionally Defendants
on the Crossclaim.

CIVIL ACTION

Civil Action No. 06-4802 (DMC)

**DECLARATION OF JOHN M.
AUGUST IN SUPPORT OF CROSS-
MOTION OF DEFENDANT
JPMORGAN CHASE BANK, N.A
FOR PARTIAL SUMMARY
JUDGMENT AND RELATED
RELIEF**

JOHN M. AUGUST, declares as follows pursuant to 28 U.S.C. § 1746:

1. I am an associate with the law firm of Herrick, Feinstein LLP ("HF"), attorneys for defendant JPMorgan Chase Bank, N.A. ("Chase") in the above matter. I make this declaration in support of Chase's Cross-Motion for summary judgment against defendants PGB International, LLC ("PGB"), E. Ross Browne ("Browne"), and Paulette Krelman ("Krelman").

2. On October 23, 2006, Arthur Kupperman ("Kupperman"), as representative of PGB and individually, Browne and Krelman appeared at the offices of counsel for Merrill Lynch Business Financial Services Inc. ("MLBFS") for a deposition pursuant to a Notice to Take Depositions issued pursuant to this Court's Order to Show Cause. The Notice to Take Depositions also required the defendants to produce documents at the offices of Plaintiff's counsel.

3. At their respective depositions, Kupperman, as representative of PGB and individually, Browne and Krelman all invoked their Fifth Amendment privilege against self incrimination and refused to answer any questions.

4. Each of Kupperman, Browne and Krelman further signed a declaration confirming that they would invoke their Fifth Amendment privilege and refuse to answer all possible questions. Attached hereto as Exhibits A, B and C, respectively, are the declarations signed by Kupperman, Browne and Krelman.

5. During his deposition, Browne was shown a copy of his Guaranty and was asked if his signature appeared on the Guaranty. Browne invoked his Fifth Amendment privilege against self-incrimination and refused to answer.

6. During her deposition, Krelman was shown a copy of her Guaranty and was asked if her signature appeared on the Guaranty. Krelman invoked her Fifth Amendment privilege against self-incrimination and refused to answer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 27, 2006

/s/ John M. August
John M. August

EXHIBIT A

George R. Hirsch (GH 8284)
BRESSLER, AMERY & ROSS
A Professional Corporation
P.O. Box 1980
Morristown, New Jersey 07962
325 Columbia Turnpike
Florham Park, New Jersey 07932
(973) 514-1200
Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MERRILL LYNCH BUSINESS
FINANCIAL SERVICES INC.,

Plaintiff,

vs.

ARTHUR KUPPERMAN; E. ROSS
BROWNE; PAULETTE KRELMAN,
PGB INTERNATIONAL, LLC; and JP
MORGAN CHASE BANK, NATIONAL
ASSOCIATION,

Defendants.

06 Civ. 4802 (DMC)

DECLARATION

ARTHUR KUPPERMAN, of full age, declares pursuant to 28 U.S.C. §1746, as follows:

1. On advice of counsel, I would decline to answer any question which might be propounded of me at any deposition in the referenced action. I would decline on the grounds that any answer I might give might tend to incriminate me. Accordingly, I would invoke my privilege under the Fifth Amendment to the United States Constitution at this time.



2. Similarly, on advice of counsel, I would provide the same response to all written discovery, including, but not limited to, Requests for Admissions and Interrogatories at this time.

3. There is no subject matter with respect to which I am willing to answer questions in the context of the referenced action, orally or in writing at this time.

4. I expressly consent that it be deemed that I have been asked all possible questions and that I have declined to answer all possible questions, asserting the Fifth Amendment privilege in all respects in response. Without prejudice to the right to contest same, I understand that my declining to answer may result in adverse inferences or other consequences.

4. I have consulted with counsel with regard to this Declaration.

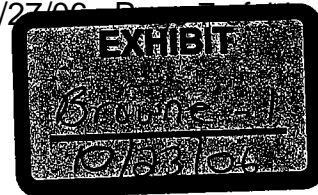
I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct.



ARTHUR KUPPERMAN

Dated: October 23, 2006
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EXHIBIT B



George R. Hirsch (GH 8284)
BRESSLER, AMERY & ROSS
A Professional Corporation
P.O. Box 1980
Morristown, New Jersey 07962
325 Columbia Turnpike
Florham Park, New Jersey 07932
(973) 514-1200
Attorneys for Plaintiff

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BROWNE; PAULETTE KRELMAN,
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MORGAN CHASE BANK, NATIONAL
ASSOCIATION,

Defendants.

06 Civ. 4802 (DMC)

DECLARATION

E. ROSS BROWNE, of full age, declares pursuant to 28 U.S.C. §1746, as follows:

1. On advice of counsel, I would decline to answer any question which might be propounded of me at any deposition in the referenced action. I would decline on the grounds that any answer I might give might tend to incriminate me. Accordingly, I would invoke my privilege under the Fifth Amendment to the United States Constitution at this time.

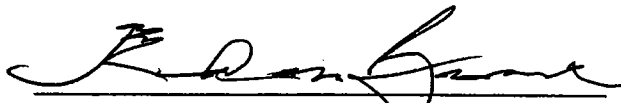
2. Similarly, on advice of counsel, I would provide the same response to all written discovery, including, but not limited to, Requests for Admissions and Interrogatories at this time.

3. There is no subject matter with respect to which I am willing to answer questions in the context of the referenced action, orally or in writing at this time.

4. I expressly consent that it be deemed that I have been asked all possible questions and that I have declined to answer all possible questions, asserting the Fifth Amendment privilege in all respects in response. Without prejudice to the right to contest same, I understand that my declining to answer may result in adverse inferences or other consequences.

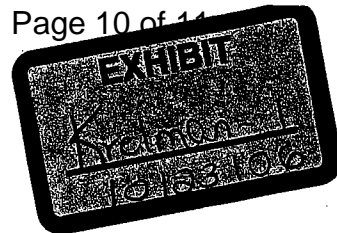
4. I have consulted with counsel with regard to this Declaration.

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct.


E. ROSS BROWNE

Dated: October 23, 2006
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EXHIBIT C



George R. Hirsch (GH 8284)
BRESSLER, AMERY & ROSS
A Professional Corporation
P.O. Box 1980
Morristown, New Jersey 07962
325 Columbia Turnpike
Florham Park, New Jersey 07932
(973) 514-1200
Attorneys for Plaintiff

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Defendants.

06 Civ. 4802 (DMC)

DECLARATION

PAULETTE KRELMAN, of full age, declares pursuant to 28 U.S.C. §1746, as follows:

1. On advice of counsel, I would decline to answer any question which might be propounded of me at this deposition (October 23, 2006). I would decline on the grounds that any answer I might give might tend to incriminate me. Accordingly, I would invoke my privilege under the Fifth Amendment to the United States Constitution at this time.

2. Similarly, on advice of counsel, I would provide the same response to all written discovery, including, but not limited to, Requests for Admissions and Interrogatories at this time.

3. There is no subject matter with respect to which I am willing to answer questions in the context of the referenced action, orally or in writing at this time.

4. I expressly consent that it be deemed that I have been asked all possible questions and that I have declined to answer all possible questions, asserting the Fifth Amendment privilege in all respects in response. Without prejudice to the right to contest same, I understand that my declining to answer may result in adverse inferences or other consequences.

4. I have consulted with counsel with regard to this Declaration.

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct.



PAULETTE KRELMAN

Dated: October 23, 2006

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